

S.B.CRIMINAL MISC. PETITION NO.237/2007
(Prakash & Ors. Vs. State of Raj. & Anr.)

Date of order : : 07.05.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.Mahesh Bora, for the petitioners.
Mr.Ashok Upadhyay, PP for the State.
Mr.B.L.Bishnoi, for the respondent No.2

This misc. petition under Section 482 Cr.P.C. has been filed on behalf of the petitioners for quashing of the FIR No.2/2007, Police Station Lohawat, District Jodhpur for offence under Sections 447, 307, 386, 147 and 149 IPC and further investigation in the case.

Learned counsel for the petitioners states that the name of the present petitioners has not been mentioned in the F.I.R. No case under Section 307 IPC is made out against the petitioners. It is alleged that petitioners came at the house of the complainant along with accused named in the FIR and one fire was done in the air towards the Dhani. No case under Section 447, 147, 387, 447 IPC is also made out.

Learned Public Prosecutor states that the police after investigation has found the case proved against 10 accused-persons including the present petitioners, namely, Teja Ram, Ram Niwas, Santosh, Kisna Ram, Pappu, Kheta Ram, Pukhraj, Deva Ram, Prakash and Birbal Ram. He further states that police has investigated the matter in detail, at this stage, this Court need not to appreciate the evidence collected during investigation while exercising power under Section 482 Cr.P.C.

I have considered the arguments advanced by learned counsel for the parties and gone through the case-diary. From the case-diary, it appears that investigation has been concluded. Though the police has not found the case under Section 307 IPC proved against the petitioners but the case under Sections 147, 148, 149, 353, 447 and 387 IPC is made out against them. Looking to all the facts and circumstances of the case, since investigation is complete, I do not find any good ground to interfere in the investigation.

However, accused-petitioners are free to raise all the

legal objections, if any, before the learned lower court at the stage of taking cognizance.

With the aforesaid observations, this misc. petition is disposed of.

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(KRISHAN KUMAR ACHARYA), J.